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EXAMINER

NGUYEN, CUONG H

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/736,036

Applicant(s)

HOFFMAN, ROGER P.

Examiner

CUONG H. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/12/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

1. This Office Action is the answer to the amendment submitted on 4/12/2004; which paper has been placed of record.

2. Claims 1-9 are pending in this application; new claims 10-15 are added on 4/12/2004.

**Response to the amendment:**

3. The submitted arguments on 4/12/2004 are unpersuasive since instead of making pending claims narrower, pending claims 1-6 are amended to make the concept of "performing sales transactions online" broader; that still do not make these claims avoid obvious rejections. The examiner maintains old references for rejections, and giving rationales and references for newly added claims 10-15 herein; the invention's concept of performing sales transactions on Internet is not new and is very broad (e.g., a computer having Internet capabilities has been well-known of performing sale transactions). The arguments are moot because new grounds of rejection are applied for amended claims and new claims.

4. On page 11, para. 5, the applicant admits that "The sale agents described by Perkowski are kiosks." However, the applicant says "The kiosks do not differ...", the examiner submits that different kiosks are in different locations/addresses (e.g., kiosk A is in Springfield Mall, kiosk B is in Landmark

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Mall .etc.) a customer searches a kiosk that sells his goods would recognize through a database a location of a kiosk; that is equivalent to look for a sale agent. Pending claim 2 further defines a sale agent is a person, this is obvious with one ordinary skill in the art because whether it is a kiosk or a sale person; there is a common function: an object to perform selling.

5. On page 13, para. 2, the examiner disagrees when the applicant says "The kiosk is not a virtual sales agent as defined by the present invention", the examiner submits that pending claims do not specifically define that "The kiosk is not a virtual sales agent", that why a broad and reasonable interpretation to equate a kiosk with a place to sale/(a sale person) has been used.

#### ***Drawings***

The submitted drawings are objected because they do not show relationships of drawing blocks; they also do not clarify/define the invention as where/what/how/which is the improvement.

#### ***Claim Rejections - 35 USC § 102***

Please refer to previous Office Action for this statutory rejection.

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6. Claims 1, 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Perkowski (US Pat. 5,950,173).

A. As to claim 1: Perkowski teaches a system for performing sales transactions online (see Perkowski, Fig. 3A2), comprising:

- a database (see Perkowski, Figs. 1 & 2A1); said database containing of a profile of various agents (see Perkowski, Fig. 3B, 7:34-36, 9:9-13 - Perkowski discloses "various agents" in his database by retailers' websites "Retailer Website can be freely served to customers over the Internet, e.g. accessible from a hot-link embedded somewhere in the retailer's Web-site."); said database containing of information about each user (see Perkowski, 11:64-67 i.e., "User (or Client) Computers, each indicated by reference numeral 13, being connected to the Internet via the Internet infrastructure and available to consumers (C.sub.1, C.sub.2, C.sub.3, . . . ,C.sub.i)");
- said database is used in communications with said user in writing utilizing stored email addresses (see Perkowski, Fig. 4A1).

Therefore, Perkowski sufficiently teaches all claimed limitations.

B. As to claim 7: Perkowski teaches a method for performing sales transactions online comprising:

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- logging into a database (see Perkowski, 11:64-67 i.e., "User (or Client) Computers, each indicated by reference numeral 13, being connected to the Internet via the Internet infrastructure and available to consumers (C.sub.1, C.sub.2, C.sub.3, . . . ,C.sub.i)");
- entering information that can be identified by said database (see Perkowski, Figs. 3A2, 3b, 3c, 4A1, 4A2, 4B, 6A);
- selecting a virtual sales agent/kiosk provided by said database (see Perkowski, Fig. 3A2);
- providing information/query to said virtual sales agent/kiosk about a product (see Perkowski, Figs. 3A2, 3b, 3c, 4A1, 4A2, 4B, 6A).

***Claim Rejections - 35 USC § 103***

Please refer to previous Office Action for this statutory rejection.

7. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski (US Pat. 5,950,173).

The rationales and reference for rejection of claim 1 are incorporated.

A. As to claim 2: Pending claim 2 further defines a sales agent is a person, this is obvious with one ordinary skill in the art because whether it is a kiosk or a sale person; there is a common function: an object to perform selling. A system that

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comprises a three dimensional representation (please note that a computer would comprise 3-D images, and claiming a 3-D representation on computer is old and well-known - e.g., a 3-dimensional icon, a 3-D picture of an object .etc.).

B. As to claim 3: Perkowski teaches that a transaction apparatus comprises information about a user (e.g., information about a telephone number, and an address for business and personal communication).

C. As to claim 4: Perkowski teaches that a transaction apparatus comprises a completed sales transaction (e.g., storing an e-commerce purchase transaction in a database for record-keepings).

D. As to claim 5: Perkowski teaches a system for transaction comprises physical characteristics of said kiosk/(sales agent) (e.g., see Perkowski, "Within the store of each retailer subscribing to the UPC REQUEST.TM. Consumer Information Service, the function of the UPC REQUESTTrm kiosk is to provide consumer access to the UPC REQUEST.TM. Retailer Website (e.g. UPC REQUEST.TM. Retail @Wal-Mart, UPC REQUEST.TM. Retail @Home Depot, etc.). The UPC REQUEST.TM. Retailer Website served to both physical-kiosk and cyber-kiosks within the retailer's brick and mortar and EC stores, respectively, provides consumer access to UPN/URL information links relating only to those products sold by the retailer and maintained within the UPC REQUEST.TM. Database Management System by the manufacturer or agent thereof. If desired by the subscribing retailer, its UPC REQUEST.TM. Retailer Website can be freely served to customers over the Internet, e.g. accessible from a hot-link embedded somewhere in the retailer's Web-site.").

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E. As to claim 6: It is rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski as applied to claim 1 above, in view of Perkowski (US Pat. ,625,581).

Perkowski also teaches a transaction apparatus wherein a communication can be via e-mail (e.g., see Perkowski, US Pat. 6,625,581, "In one arrangement, each manufacturer-operated client machine 13 would be assigned the task of managing the UPN/URLs associated with a particular department of the manufacturer (e.g. engineering department, sales department, service/support department, marketing department, advertising department, etc.). The UPN/URLs menus and other CPI related information collected by each department is maintained within a local UPN/URL Database 202 on the department's client machine 13, and is periodically transmitted to a Manufacturer's UPN/URL Database 203 hosted on the network Internet server 133. In addition to providing the client machine behind the corporate firewall with http, e-mail and ftp services, the network Internet server 133 is also equipped with an EDI (e.g. EDI or XML/ICE) software solution which enables periodic uploading of the manufacturer's UPN/URL Database 203 to the Central UPN/URL Database Management Subsystem 9, shown in FIG. 2C

"In the illustrative embodiments of the present invention, the data-synchronized IPD Servers of the system hereof 11 are also provided with an "Automated Registration Solicitation Mode" programmed by the webmaster (or administrator) of the IPI Web-site(s). In this mode, each IPD Server II analyzes the data collected within its Non-IPI Registrant Database. The data analysis procedure seeks to determine: (1) which "unregistered" products in the Non-IPI Registrant Database were the subject of an information request at the IPD Server; (2) how many hits (requests) were made for the product within a predetermined length of time (e.g. one week) by Internet users; and (3) whether the number of requests exceeds a particular "request threshold" (e.g. 100 requests in week period). Then for each unregistered product which has exceeded the request threshold, the IPD Server automatically sends an E-mail message to the associated company. Preferably, the E-mail message is designed to (i) inform the company of recent information requests for their products, and (ii) solicit the registration of such products with the IPD Server. Once registered with the system, such products can be easily found on the Internet by anyone wishing to use the product information finding techniques of the present invention.").



It would have been obvious to one of ordinary skill in the art at the time of invention to implement Perkowski's teachings to suggest a transaction system having above claimed limitations; because artisans would recognize that those information are easy to identified, and using an email in the Internet for communication is very fast, convenient and are flexible.

F. As to claims 8-15: They are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski as applied to claim 1 above, in view of Bezos et al. (US Pat. 6,029,141), and further in view of the Official Notice.

Perkowski teaches a method of performing a sales transaction online comprising:

- providing information to a user concerning the user's personal life (i.e., a user's profile, an email address, a telephone number, or a shipping address etc.);
- providing information to said user concerning past business transactions (i.e., a user's profile, an email address, a telephone number, or a shipping address etc.);
- providing information to a user comprising price information for products for sale (see Perkowski, Figs. 3A2, 3b, 3c, 4A1, 4A2, 4B, 6A).

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- Those are fundamental information that are stored on databases as a customer profile in doing business/survey on the Internet for using later on.

The Official Notice is taken here that it is old and well-known to utilize submitted data for recommending other needs to a customer (e.g., Bezos et al. and <http://www.amazon.com>) after a customer logging-in/register to use the website).

Perkowski does not disclose about determining where a client is logging from.

However, Bezos et al. obviously have that information when disclosing "Various other types of information can be provided within the feedback reports to assist the associates in conducting business. For example, the reports can provide anonymous demographic data about the customers that made purchases from the associate site, including the geographic regions (as determined from shipping addresses) of such customers. Additionally, the reports can provide special notices, including notices about books that pay lower referral credit to associates, and any problems occurring with an associate's referral links. The report generation feature also may provide associates with the ability to access an on-line menu to generate custom feedback reports (such as a report of the number of referrals during a specific period of time), or to set up a report profile that specifies the content, format and frequency of the automated reports."

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Perkowski's teaching with Bezos et al., and above Official notices to suggest a method of performing sales transactions online having past business transactions including a customer's geographic area because this practice has been known for reporting statistics.

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G. As to claim 9: Perkowski also teaches a method of performing a sales transaction wherein information is provided via e-mail (i.e. see Perkowski, 27:15-36, "In the illustrative embodiments of the present invention, the data-synchronized IPD Servers of the system hereof are also provided with an "Automated Registration Solicitation Mode" programmed by the webmaster (or administrator) of the IPI Web-site. In this mode, each IPD Server analyzes the data collected within its Non-IPI Registrant Database. The data analysis procedure seeks to determine: (1) which "unregistered" products in the Non-IPI Registrant Database were the subject of an information request at the IPD Server; (2) how many hits (requests) were made for the product within a predetermined length of time (e.g. one week) by Internet users; and (3) whether the number of requests exceeds a particular "request threshold" (e.g. 100 requests in week period). Then for each unregistered product which has exceeded the request threshold, the IPD Server automatically sends an E-mail message to the associated company. Preferably, the E-mail message is designed to (i) inform the company of recent information requests for their products, and (ii) solicit the registration of such products with the IPD Server. Once registered with the system, such products can be easily found on the Internet by anyone wishing to use the product information finding techniques of the present invention.").

H. As to claims 10-11: Perkowski teaches a system for transaction comprises profiles. Perkowski also teaches a system for transaction comprises user's business activities, that is equivalent to comprise a user's profile because a profile includes types of purchases said user has made, sales range of goods or services user has made in past, delivery, shipping and billing information.

Bezos et al. also using customer's profile in business transactions "Various other types of information can be provided within the feedback reports to assist the associates in conducting business. For example, the reports can provide anonymous demographic data about the

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customers that made purchases from the associate site, including the geographic regions (as determined from shipping addresses) of such customers. Additionally, the reports can provide special notices, including notices about books that pay lower referral credit to associates, and any problems occurring with an associate's referral links. The report generation feature also may provide associates with the ability to access an on-line menu to generate custom feedback reports (such as a report of the number of referrals during a specific period of time), or to set up a report profile that specifies the content, format and frequency of the automated reports."

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Perkowski's teaching with Bezos et al. to suggest a profile having information such as information about said user's family, hobbies, where said user lives, and sports teams liked by said user because artisans recognize that with more personal information like the above, accurate suggestions are easy to provide in order to sale goods/services.

I. As to claims 14-15: The rationales and reference for rejection of claim 8 are incorporated.

Perkowski also teaches a method, further comprising: providing further information to said computer database by said client in relation to information provided to said client. Furthermore, this step is fundamental in communication between 2 involved parties in providing related information.

J. As to claim 12: The rationales and reference for rejection of claim 8 are incorporated.

The Official Notice is taken here that providing weather information according to each city, each state, or each geographical area on Internet is old and well-known.

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Perkowski's teaching with above Official Notice to suggest local weather to a client based on where said client has logged in from because a computer server would recognize a location of user's computer in its database, by integration would be merely a matter of obvious engineering choice. (see In re Larson, 144 USPQ 347 (CCPA 1965); In re Fridolph, 50 CCPA 745, 89 F.2d 509, 135 USPQ 319. In re Lockhart, 90 USPQ 214 (CCPA 1951), In re Murray, 19 CCPA 739, 53 F.2d 541, 11 USPQ 155; In re Zabel et al., 38 CCPA 832, 186 F.2d 735, 88 USPQ 367), a toolbox in The travel section of The WashingtonPost.com - as an example, see also <http://www.washingtonpost.com/wp-adv/travel/>).

L. As to claim 13: The rationales and reference for rejection of claim 12 are incorporated.

The Official Notice is taken here that it is old and well-known to include the current status of orderings whether a website already receive an order or not - usually an identification number is given from a website for that order, to

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check status just enter that given number into said website for query.

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Perkowski's and Bezos' teachings with above Official notices to suggest a method of performing sales transactions online having past business transactions comprise whether current orders have been received because this practice has been known to report order statuses to customers.

#### **Conclusion**

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose number is 703-305-4553. The examiner can normally be reached on 7am-3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, JEFFREY A. SMITH can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

*Cuong H. Nguyen*

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Art Unit 3625